

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

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DISTRICT COURT  
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GARY ODOM

Plaintiff,

vs.

MICROSOFT CORPORATION

Defendant.

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§  
§  
§  
§

Civil Action No.

TEXAS EASTERN  
6:08cc331  
BY

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT**

**I. NATURE OF THE ACTION**

Plaintiff Gary Odom ("Odom"), brings this action against defendant Microsoft Corporation ("Microsoft"), for patent infringement under the laws of the United States, Title 35, United States Code.

**II. JURISDICTION AND VENUE**

1. This is an action under the laws of the United States, 35 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction of this action under 28 U.S.C. §§ 1331, 1337 and 1338(a).

2. Venue is proper in this judicial District pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) because Microsoft has done business in this District, has committed acts of infringement in this District, and continues to commit acts of infringement in this District, entitling Odom to relief.

### **III. PARTIES**

3. Odom alleges all facts herein on information and belief, except those facts concerning the activities of Odom.

4. Odom is an individual, residing at 123 NW 12th Avenue, #1545, Portland, Oregon 97209.

5. Odom is the sole inventor and owner of the patent at issue in this action, U.S. Patent No. 7,363,592 B1.

6. Microsoft is a Washington corporation with its principal place of business at One Microsoft Way, Redmond, Washington 98052-6399.

### **IV. CAUSE OF ACTION**

#### **INFRINGEMENT OF U.S. PATENT NO. 7,363,592**

7. On April 22, 2008, United States Patent No. 7,363,592 B1 (the “‘592 patent”) was duly and legally issued for an invention entitled “Tool group manipulations.” Odom was the sole inventor on the ‘592 patent, and continues to hold all rights and interest in the ‘592 patent. A true and correct copy of the ‘592 patent is attached hereto as Exhibit A.

8. Microsoft has infringed and continues to infringe the ‘592 patent in this judicial district and elsewhere, directly, by inducement and/or contributorily, by manufacturing, marketing, selling, distributing, importing, and/or using products, including Microsoft Office 2007. Microsoft is liable for its infringement of the ‘592 patent pursuant to 35 U.S.C. § 271.

9. Microsoft’s acts of infringement have caused damage to Odom, and Odom is entitled to recover from Microsoft the damages sustained by Odom as a result of Microsoft’s wrongful acts in an amount subject to proof at trial. Microsoft’s infringement of Odom’s

exclusive rights under the '592 patent will continue to damage Odom, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

10. The filing of this action constitutes notice pursuant to 35 U.S.C. § 287.

### **JURY DEMAND**

11. Odom hereby demands a trial by jury on all claims and issues.

### **PRAYER FOR RELIEF**

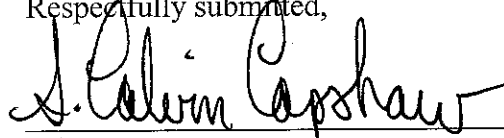
WHEREFORE, Plaintiff Odom, requests entry of judgment in its favor and against Microsoft as follows:

- a) Declaring that Microsoft has infringed U.S. Patent No. 7,363,592 B1;
- b) Permanently enjoining Microsoft, and the respective officers, agents, employees, and those acting in privity with it, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent No. 7,363,592 B1;
- c) Awarding Odom damages arising from Microsoft's infringement of U.S. Patent No. 7,363,592 B1, which can be no less than a reasonable royalty, and increasing those damages to three times the amount assessed pursuant to 35 U.S.C. § 284 to the extent allowable by law;
- d) Awarding Odom prejudgment and post-judgment interest;
- e) Declaring this an exceptional case and awarding attorneys' fees and costs pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- f) Awarding such other costs and further relief as the Court may deem just and proper under the circumstances.

DATED: August 18, 2008.

Respectfully submitted,

By:



S. Calvin Capshaw, III  
State Bar No. 03783900  
Elizabeth L. DeRieux  
State Bar No. 05770585  
N. Claire Abernathy  
State Bar No. 24053063  
Capshaw DeRieux, LLP  
1127 Judson Road, Suite 220  
Longview, Texas 75601  
(903) 236-9800 Telephone  
(903) 236-8787 Facsimile  
E-mail: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)  
E-mail: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)  
E-mail: [chenry@capshawlaw.com](mailto:chenry@capshawlaw.com)

Max L. Tribble, Jr. – Lead Attorney  
SUSMAN GODFREY L.L.P.  
State Bar No. 20213950  
Email: [mtribble@susmangodfrey.com](mailto:mtribble@susmangodfrey.com)  
Susman Godfrey L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, TX 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

Brooke A.M. Taylor  
SUSMAN GODFREY L.L.P.  
WA State Bar No. 33190  
Email: [btaylor@susmangodfrey.com](mailto:btaylor@susmangodfrey.com)  
Genevieve J. Vose  
WA State Bar No. 38422  
Email: [gvose@susmangodfrey.com](mailto:gvose@susmangodfrey.com)  
Susman Godfrey L.L.P.  
1201 Third Avenue, Suite 3800  
Seattle, WA 98101-3000  
Telephone: (206) 516-3880  
Facsimile: (206) 516-3883

ATTORNEYS FOR PLAINTIFF GARY ODOM

OF COUNSEL:

Franklin Jones, Jr.  
State Bar No. 00000055  
JONES AND JONES, INC., P.C.  
201 West Houston Street  
P.O. Drawer 1249  
Marshall, TX 75671-1249  
Telephone: (903) 938-4395  
Facsimile: (903) 938-3360  
Email: [maizieh@millerfirm.com](mailto:maizieh@millerfirm.com)

Otis W. Carroll  
State Bar No. 03895700  
Email: [nancy@icklawn.com](mailto:nancy@icklawn.com)  
Collin M. Maloney  
State Bar No.: 00794219  
Email: [cmaloney@icklawn.com](mailto:cmaloney@icklawn.com)  
IRELAND CARROLL AND KELLEY, P.C.  
6101 South Broadway, Suite 500  
P.O. Box 7879  
Tyler, Texas 75711  
Telephone: (903) 561-1600  
Facsimile: (903) 561-1071

Robert Christopher Bunt  
State Bar No. 00787165  
Email: [rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)  
Robert M. Parker  
State Bar No. 15498000  
Email: [rmparker@pbatyler.com](mailto:rmparker@pbatyler.com)  
PARKER & BUNT, P.C.  
1000 East Ferguson, Suite 1114  
Tyler, Texas 75702  
Telephone: (903) 531-3535  
Facsimile: (903) 533-9687

Attorneys for Plaintiff Gary Odom